**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Government Appeal No. 1984 of 2001**

State of Uttaranchal …….. Appellant

Versus

Tara Singh S/o Sri Sohan Singh,
R/o Village Ahmad Nagar,
Thana Jaspur. ….. Respondent

Mr. Amit Bhatt, Addl. Government Advocate for the appellant State.

**JUDGMENT**

**Coram: Hon'ble Rajeev Gupta, C.J.**
**Hon'ble J.C.S. Rawat, J.**

**RAJEEV GUPTA, C.J. (Oral)**

Mr. Amit Bhatt, the learned Addl. Government Advocate for the appellant State is heard.

2. Appellant State has filed this petition under Section 378(3) CrPC for grant of leave to appeal and the Government Appeal against the acquittal of respondent accused Tara Singh of the charge under Section 25 of the Arms Act vide impugned judgment dated 24.08.2001 passed in Sessions Trial No. 249 of 1999.

3. The petition filed under Section 378(3) CrPC and the Government Appeal filed on 28.11.2001 is reported to be 'time barred'.

4. No application for condonation of the delay in filing the appeal was filed along with the petition under Section 378(3) CrPC and the Government Appeal. In fact, no such application has been filed till date though a period of more than five years has elapsed since the filing of the appeal.

5. In this view of the matter, we do not deem it proper to grant any further opportunity to the appellant State for filing an application for condonation of the delay.

6. The appellant State has miserably failed in showing any cause, much less a sufficient cause, for the delay in filing the petition under Section 378(3) CrPC for grant of leave to appeal and the Government Appeal.

7. We are, therefore, left with no other option but to dismiss the petition filed under Section 378(3) CrPC for grant of leave to appeal and the Government Appeal as barred by time.

8. The petition filed under Section 378(3) CrPC for grant of leave to appeal and the Government Appeal, therefore, are dismissed as ‘time-barred’.

**(J.C.S. Rawat, J.)** **(Rajeev Gupta, C.J.)**
24.07.2007 24.07.2007

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